

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sukeyuki Shinotsuka et al.

Serial No.: 10/609,493

Filed: June 24, 2003

Atty. Dkt. No.: 7272-119/10307292

Group Art Unit: 2624

Examiner: Aaron W. Carter

Confirmation No. 1702

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM
UNDER 37 C.F.R. § 1.78(a)**

Applicants respectfully petition the Commissioner under 37 C.F.R. § 1.78(a)(3) for a delayed claim of domestic priority.

Background

Applicants intended to file the current U.S. application as the national phase of international application PCT/JP01/09820 (“the PCT application”). The PCT application was filed on November 9, 2001, designating the U.S. and claiming priority to Japanese application JP 2000-404832 (“the Japanese application”) filed on December 26, 2000. However, the current application is considered by the Patent Office to be a regular U.S. application filed under 37 C.F.R. § 1.53(b). (*See* Decision, attached hereto).

Status of Current Application

A Notice of Allowance in the current application was issued on January 10, 2007. Applicants intend to respond to the Notice of Allowance by the due date of April 10, 2007 upon resolution of domestic and foreign priority issues in the current application.

Discussion

The current application is considered to be a regular U.S. application and not the national phase of the PCT application. Therefore, Applicants are requesting that a claim of domestic priority to the PCT application be added in the current application, and that the current application be designated as a continuation of the PCT application in accordance with MPEP § 1895.01. (Please note that a Petition requesting a claim of foreign priority to the Japanese application is being concurrently filed.)

The current application was filed on June 24, 2003. The PCT application was filed on November 9, 2001, designating the United States, and published as WO 02/052843 on July 4, 2002. The Japanese application was filed on December 26, 2000. PCT papers evidencing these circumstances were previously submitted in the current application. Because the requirements of 35 U.S.C. §§ 120 and 365(c) are satisfied with respect to the current application and the PCT application, a claim of domestic priority to the PCT application is proper. Also, the requirements of 35 U.S.C. § 119(a) are satisfied with respect to the PCT application and the Japanese application, and therefore a claim of foreign priority to the Japanese application is proper.

The current application was allowed on January 10, 2007. Entry of the Application Data Sheet attached hereto is proper since entry does not require any substantial amount of work on the part of the Office.

Relief Requested

Applicants respectfully request that the following claim of domestic priority be entered in the current application prior to issuance.

Priority Claim

Applicants hereby claim priority under 37 C.F.R. § 1.78(a)(3) to PCT application PCT/JP01/09820, filed November 9, 2001.

A claim of domestic priority indicating that the current application is a continuation of the PCT application is submitted in the Application Data Sheet attached hereto. No previous Application Data Sheet was submitted. (Please note that a copy of the attached Application Data Sheet is being concurrently filed with Applicants' related Petition requesting a claim of foreign priority in the current application.)

Applicants state that the entire delay between the date the claim for priority was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

Please charge \$ 1,370.00 for the unintentionally delayed domestic priority claim.

No other fee is believed due. However, the Commissioner is hereby authorized to charge any fees that may be required with this paper or to credit any overpayment of fees to Deposit Account No. 50-0337.

Dated: March 1, 2007

Respectfully submitted,



Miles Yamanaka

Reg. No. 45,665

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Attachments: Decision
Application Data Sheet

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